

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

CYRIL H. WECHT

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Criminal No. 06-0026
Electronically Filed

**ORDER OF COURT DENYING DEFENDANT'S
MOTION FOR A JUDGMENT OF ACQUITTAL (DOC. NO. 815)
PURSUANT TO FED. R. CRIM. P. 29(a)**

The Court has given careful consideration to Defendant's Motion for a Judgment of Acquittal (doc. no. 815) pursuant to Fed.R.Crim.P. 29(a), Defendants' Brief in Support of Motion for a Judgment of Acquittal (doc. no. 816), and the Government's Brief in Opposition to Defendant's Motion Pursuant to Rule 29 at Docket No. 815 (doc. no. 818), in light of the testimony and documentary evidence produced in 23 days of the government's case-in-chief.

The Court has also reviewed its previous opinions and rulings regarding the elements of the offenses set forth in the Revised Indictment and its Jury Instructions, including but not limited to those set forth at Documents No. 264, 629, 671, 672, 678, 679, 800 and 812.

A motion for judgment of acquittal under Rule 29(a) of the Federal Rules of Criminal Procedure may only be granted where the evidence is insufficient to sustain a conviction. United States v. Gonzales, 918 F.2d 1129, 1132 (3d Cir. 1990). "In ruling on a motion for judgment of acquittal made pursuant to Fed. R. Crim. P. 29, a district court must " 'review the record in the light most favorable to the prosecution to determine whether any rational trier of fact could have found proof of guilty beyond a reasonable doubt based on the available evidence.' " United States v. Brodie, 403 F.3d 123, 133 (3d Cir. 2005), quoting United States v. Smith, 294 F.3d 473, 476 (3d Cir. 2002). The Court finds that sufficient evidence has been adduced, as to each count

of the indictment, upon which a rational trier of fact could find that all of the elements of the respective offenses have been proven beyond a reasonable doubt. Accordingly,

AND NOW, this 12th day of March, 2008, defendant's Motion for a Judgment of Acquittal (doc. no. 815) is DENIED.

SO ORDERED

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record